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10 *Attorneys for Plaintiff*

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

13 IN RE: TOYOTA MOTOR CORP.
14 UNINTENDED ACCELERATION
15 MARKETING, SALES PRACTICES, AND
16 PRODUCTS LIABILITY LITIGATION

17 Case No. 8:10-ml-02151 JVS(FMOx)

18 **This Document Relates To:**

19 Case No. 8:10-cv-00622-JVS-FMO

20 DALE ROBERTS, on behalf of himself and
21 all others similarly situated,

22 Plaintiff,

23 v.

24 TOYOTA MOTOR SALES, U.S.A., INC.,
25 TOYOTA MOTOR CORPORATION,
26 AND DOES 1 through 10,

27 Defendants.

28 **NOTICE OF APPLICATION FOR
LEAVE TO WITHDRAW AS
COUNSEL OF RECORD FOR
PLAINTIFF DALE ROBERTS**

29 **DATE OF HEARING: May 2, 2011**

30 **TIME: 1:30 p.m.**

31 The law firm of Bailey Perrin Bailey, through Fletcher Trammell, Esq.,
32 respectfully applies for leave to withdraw as counsel of record for Plaintiff Dale Roberts
33 (“Plaintiff”). This application is made on the following grounds:
34

35 1. Bailey Perrin Bailey has provided written notice of its intent to withdraw
36 as counsel of record to Plaintiff and counsel for Defendants Toyota Motor Sales, U.S.A.,
37

Inc. and Toyota Motor Corporation (collectively, “Defendants”).

2. Plaintiff has consented in writing to the withdrawal of Bailey Perrin Bailey as counsel of record in this action.

3. Granting this application will not delay trial in the case and would not otherwise be inequitable.

This application is based on the foregoing and the attached Memorandum of Points and Authorities in Support of this Application.

RELIEF REQUESTED

Counsel for Plaintiff respectfully requests that the Court grant leave for Bailey Perrin Bailey to withdraw as counsel of record for Plaintiff.

Dated: March 31, 2011

/s/ Fletcher V. Trammell
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, FLETCHER V. TRAMMELL, hereby certify that I am an attorney for the Plaintiff in the above-captioned action, and that on this date, a true and correct copy of the foregoing Notice and Motion for Leave to Withdraw as Counsel of Record for Plaintiff Dale Roberts and all accompanying papers were served upon all parties to this action by means of the Court's Electronic Filing System:

BAILEY PERRIN BAILEY

DATE: March 31, 2011

By: /s/ Fletcher V. Trammell
Fletcher V. Trammell
Attorney for Plaintiff

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6 *Attorneys for Plaintiff*

7 **IN THE UNITED STATES DISTRICT COURT**
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19 TOYOTA MOTOR CORPORATION,
20 AND DOES 1 through 10,

21 Defendants.

**APPLICATION FOR LEAVE TO
WITHDRAW AS ATTORNEY OF
RECORD FOR PLAINTIFF
DALE ROBERTS; MEMORANDUM
OF POINTS AND AUTHORITIES IN
SUPPORT THEREOF**

22 **I. INTRODUCTION**

23 The law firm of Bailey Perrin Bailey represents Plaintiff Dale Roberts
24 (“Plaintiff”) in this automobile products liability action presently pending before the
25 Court as part of the *In re: Toyota Motors Corp. Unintended Acceleration Marketing*,

1 *Sales Practices, and Products Liability Litigation* multidistrict litigation (“MDL”). This
2 action, which was filed February 5, 2010, alleges breach of warranty and consumer
3 protection claims in connection with Plaintiff’s purchase of a 2007 Toyota Camry. The
4 named Defendants are manufacturers of that vehicle.
5

6 **II. BACKGROUND**

7 The basic facts and procedural history are not in dispute. This action was filed on
8 February 5, 2010. On May 7, 2010, this case was transferred to this MDL. Phase 1
9 discovery is ongoing; however, no discovery specific to this Plaintiff has been
10 conducted.
11

12 **III. POINTS & AUTHORITIES**
13

14 Civil Local Rule 83-2.9.2.1 provides: “An attorney may not withdraw as counsel
15 except by leave of court. An application for leave to withdraw must be made upon
16 written notice given reasonably in advance to the client and to all other parties who have
17 appeared in the action.” Those requirements are met here.
18

19 On February 15, 2011, counsel for Bailey Perrin Bailey provided Plaintiff with
20 written notice of the firm’s intent to withdraw from this case. Plaintiff consented in
21 writing to Bailey Perrin Bailey’s withdrawal from this case on March 1, 2011. On
22 March 22, 2011, counsel for Bailey Perrin Bailey provided counsel for Defendants with
23 written notice of the firm’s intent to withdraw from this case.
24

25 Further, withdrawal can be accomplished without a materially adverse effect on
26 Plaintiff’s interests. No case-specific discovery has been completed in this case, and no
27
28

1 trial is set in the present action. In addition, Plaintiff's counsel of record in this case
2 includes two other law firms.

3
4 Therefore, the firm of Bailey Perrin Bailey respectfully seeks leave of court to
5 withdraw from this action now, before case-specific discovery begins or a trial date has
6 been set. Plaintiff has adequate time to find substitute counsel if he so desires, and
7 withdrawal at this stage will not cause any delay or prejudice to Plaintiff.

8
9 **IV. CONCLUSION**

10 WHEREFORE, based upon the foregoing, the law firm of Bailey Perrin Bailey
11 respectfully requests that the Court issue an Order granting the firm's request to
12 withdraw as attorneys of record for Plaintiff in this action.

13
14 Dated: March 31, 2011

/s/ Fletcher V. Trammell
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22 *Attorneys for Plaintiff*